

AMENDED IN ASSEMBLY MAY 5, 2005

CALIFORNIA LEGISLATURE—2005–06 REGULAR SESSION

**ASSEMBLY BILL**

**No. 610**

**Introduced by Assembly Member Calderon**

February 17, 2005

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An act to amend Section 2890.2 of the Public Utilities Code, relating to telecommunications.

LEGISLATIVE COUNSEL'S DIGEST

AB 610, as amended, Calderon. Telecommunications: mobile telephony services.

Existing law requires a provider of mobile telephony services, as defined, no later than January 1, 2004, to provide subscribers with a means by which a subscriber can obtain reasonably current and available information on the subscriber's calling plan or plans and service usage, including roaming usage and charges.

This bill would *additionally* require that a provider of mobile telephony services provide subscribers, ~~no later than January 1, 2006,~~ with a means by which a subscriber can obtain reasonably current and available information on the subscriber's ~~calling plan or plans and service usage, including roaming usage and charges and~~ text messaging and Internet usage and charges.

Vote: majority. Appropriation: no. Fiscal committee: no.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 2890.2 of the Public Utilities Code is  
2 amended to read:

1 2890.2. (a) ~~No later than January 1, 2006, a~~ provider of  
2 mobile telephony services shall provide subscribers with a means  
3 by which a subscriber can obtain reasonably current and  
4 available information, as determined by the provider, on the  
5 subscriber's calling plan or plans and service usage, including  
6 roaming usage and charges and text messaging and Internet  
7 usage and charges.

8 (b) Each provider of mobile telephony services shall inform  
9 subscribers at the time service is established of the availability of  
10 the information described in subdivision (a) and how it may be  
11 obtained.

12 (c) For purposes of this section, "mobile telephony services"  
13 means commercially available interconnected mobile phone  
14 services that provide access to the public switched telephone  
15 network (PSTN) via mobile communication devices employing  
16 radiowave technology to transmit calls, including cellular  
17 radiotelephone, broadband Personal Communications Services  
18 (PCS), and digital Specialized Mobile Radio (SMR). "Mobile  
19 telephony services" does not include mobile satellite services or  
20 mobile data services used exclusively for the delivery of  
21 nonvoice information to a mobile device.

22 ~~SEC. 2. Section 1 of Chapter 286 of the Statutes of 2002 is~~  
23 ~~amended to read:~~

24 ~~Section 1. The Legislature finds and declares all of the~~  
25 ~~following:~~

26 ~~(a) Mobile telephony service subscribers may currently be~~  
27 ~~unable to monitor their call time minutes, including roaming~~  
28 ~~usage and charges and text messaging and Internet usage and~~  
29 ~~charges, and, as a result, they face higher rates because they~~  
30 ~~unknowingly exceed the number of minutes included under their~~  
31 ~~plans.~~

32 ~~(b) Mobile telephony service subscribers need reasonably~~  
33 ~~accurate information relative to their current service usage in~~  
34 ~~order to enable them to better utilize their particular calling plans.~~

35 ~~(c) Providing mobile telephony service subscribers with a~~  
36 ~~reasonable estimate that includes a differentiation between the~~  
37 ~~types of usage covered by their plans, such as "peak" versus~~  
38 ~~"free" minutes, will enable subscribers to make informed~~  
39 ~~decisions about their mobile telephony service.~~

1     ~~(d) The Legislature intends to require the provision of~~  
2     ~~reasonably available usage information by mobile telephony~~  
3     ~~service providers by January 1, 2006.~~

4     ~~(e) Technology exists to provide mobile telephony service~~  
5     ~~subscribers with reasonably accurate information relative to their~~  
6     ~~current service usage, including roaming usage and charges and~~  
7     ~~text messaging and Internet usage and charges, and this type of~~  
8     ~~information can be obtained through a variety of sources,~~  
9     ~~including, but not limited to, mobile telephony service providers,~~  
10    ~~Internet Web sites, and traditional telephone customer service~~  
11    ~~providers, such as 1-800 telephone numbers.~~

12    ~~(f) The Legislature intends that reasonably available, current~~  
13    ~~usage information be provided to all mobile telephony service~~  
14    ~~subscribers, taking into consideration technical limitations that~~  
15    ~~may affect reporting to a consumer, including, but not limited to,~~  
16    ~~limitations on reporting “roaming” minutes incurred when a~~  
17    ~~mobile telephony service subscriber is outside his or her plan~~  
18    ~~coverage area and text messaging and Internet usage and charges.~~